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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

SAGER, M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08918944

Applicant(s)

Sawyer et al

Examiner

Sager

Group Art Unit

3713

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Mar 24, 2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 48-67 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 48-67 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 21
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Claim Rejections - 35 USC § 103

1. Claims 48-65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forte et al in view of Adams. Forte discloses a game and method for tracking an auxiliary game from a device for controlling progress of an incentive game (figs. 1-21), the card game including a bonus event (3:50-5:30), the auxiliary game providing an option to select (5:20-25) to receive a bonus point upon the occurrence of a bonus event (4:3-28), each player has a number of bonus points (figs. 1-21), where one of player is provided a prize upon accumulating a number of bonus points (4:53-5:15), where the device comprises a plurality of player interface units to display the number of bonus points accumulated by the player (figs. 1-21) and a controller coupled to the interface units to control the display (figs. 1-21), where the auxiliary game is counting natural blackjack hands and the option to select to advance is player's indicating their desire to participate and have natural blackjack hands counted by their input of a wager or ante (5:20-25).

Alternatively, where the auxiliary game is the well known Ten Stix 21 game, Forte discloses a game and method which shows it is known to automate the tracking and displaying of auxiliary/bonus events for easing the record keeping responsibilities of the dealer. Therefore, it would have been obvious to an artisan of gaming to automate the tracking and displaying of auxiliary events of Ten Stix 21 as taught by Forte in order to ease the record keeping duties of the dealer. Ten Stix game includes resetting player bonus point value to a starting number of bonus points upon a player reaching a predetermined number of bonus points, providing option to select to advance at least one tier a player bonus level from a player, selecting to receive a bonus point in an auxiliary game upon occurrence of at least one bonus card event, selecting to use a

preselected card in an auxiliary game, a preventive event where the event preventing one of the players to use the preselected card and wherein the preventive event includes the preselected card triggering a bust event (applicant's background disclosure, 3:2-7:12). Thus, the combination of Forte's game and method using Ten Stix as an alternative auxiliary game includes these cited features/steps.

Forte discloses the claimed features/steps (supra) including speaker, flashing lights and a display, but fails to disclose 'manipulated by the associated player to select the prize... dealer control unit' (clm 48, lines 28-35), 'select the prize... control elements' (clms 49, 51 and 53, lines 4-6 each), 'player control element... prize' (clm 50, lines 28-29), 'player control element manipulable... prize' (clm 52, line 12-13), 'activating... random prizes' (clm 52, lines 39-44), 'manipulated by ... prize' (clm 54, lines 20-21), 'dealer interface unit... from the dealer interface unit' (clm 55, lines 2-7), 'player control element... players' (clm 59, lines 2-4), 'selected... prizes' (clm 60, lines 1-3), 'randomizer... prizes' (clm 61, lines 1-3), 'associated probability of selection' (clm 62) and 'associated value... selection' (clm 63, lines 2-4).

Regarding features/steps of claims 48-55 and 59-62, Adams discloses a method of playing game and games with additional payout indicator with randomizing payout in an auxiliary game portion by player and/or dealer actuation teaching 'manipulated by the associated player to select the prize... dealer control unit', 'select the prize... control elements', 'player control element... prize', 'player control element manipulable... prize', 'activating... random prizes', 'manipulated by ... prize', 'dealer interface unit... from the dealer interface unit', 'player control element... players', 'selected... prizes', 'randomizer... prize', 'associated probability of selection' (3:52-6:8; 6:62-7:5;

7:48-8:59, figs. 1-4) in order to increase player excitement while the casino retaining control over game progression (8:26-31). Therefore, it would have been obvious to an artisan of gaming to add 'manipulated by the associated player to select the prize... dealer control unit', 'select the prize... control elements', 'player control element... prize', 'player control element manipulable... prize', 'activating... random prizes', 'manipulated by ... prize', 'dealer interface unit... from the dealer interface unit', 'player control element... players', 'selected... prizes', 'randomizer... prize', 'associated probability of selection' as taught by Adams to Forte's table game and method in order to increase player excitement while the casino controlling game progression.

Finally, regarding feature of claim 63, it is very well known in gaming and prize distribution to provide payouts or prizes with values inversely proportional to their random selection such that it has an 'associated value... probability of selection' in order to relate the value of the prize to their probability of selection which permits larger value prizes to be won which increases player interest and participation in the [auxiliary] game. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'associated value... probability of selection' as so very well known in gaming and prize distribution to Forte's game and method in view of Adams in order to increase prize value and player excitement and participation in the game.

2. Claims 50, 54 and 56-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forte et al in view of Place et al. Forte discloses a game and method for tracking an auxiliary game from a device for controlling progress of an incentive game (figs. 1-21) comprising claimed features/steps (supra) including a speaker, flashing lights and a display for the dealer interface unit

(3:44-58; 4:2-19; 5:20-35; 6:53-61; 8:30-39; 8:62-914:36) except 'player control element... prize' (clm 50, lines 28-29), 'manipulated by ... prize' (clm 54, lines 20-21), 'player control element... players' (clm 59, lines 2-4), 'selected... prizes' (clm 60, lines 1-3), 'randomizer... prizes' (clm 61, lines 1-3), 'associated probability of selection' (clm 62) and 'associated value... selection' (clm 63, lines 2-4).

Alternatively, where the auxiliary game is the well known Ten Stix 21 game, Forte discloses a game and method which shows it is known to automate the tracking and displaying of auxiliary/bonus events for easing the record keeping responsibilities of the dealer. Therefore, it would have been obvious to an artisan of gaming to automate the tracking and displaying of auxiliary events of Ten Stix 21 as taught by Forte in order to ease the record keeping duties of the dealer. Ten Stix game includes resetting player bonus point value to a starting number of bonus points upon a player reaching a predetermined number of bonus points, providing option to select to advance at least one tier a player bonus level from a player, selecting to receive a bonus point in an auxiliary game upon occurrence of at least one bonus card event, selecting to use a preselected card in an auxiliary game, a preventive event where the event preventing one of the players to use the preselected card and wherein the preventive event includes the preselected card triggering a bust event (applicant's background disclosure, 3:2-7:12). Thus, the combination of Forte's game and method using Ten Stix as an alternative auxiliary game includes these cited features/steps.

Regarding the steps/features of claims 50, 54 and 59-62, Place discloses a method and apparatus for random prize selection by player manipulation teaching 'player control element...

prize', 'manipulated by ... prize', 'player control element... players', 'selected... prizes', 'randomizer... prizes', 'associated probability of selection' (4:66-5:8; 5:58-59; 6:6-11; 6:27-56; 7:59-8:17, figs. 1-3) to encourage player participation and build excitement since the player is physically active in the random selection process and to attract new players (6:6-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'player control element... prize', 'manipulated by ... prize', 'player control element... players', 'selected... prizes', 'randomizer... prizes', 'associated probability of selection' as taught by Place to Forte's game and method to encourage player participation and build excitement since the player is physically active in the random selection process and to attract new players.

Finally, regarding feature of claim 63, it is very well known in gaming and prize distribution to provide payouts or prizes with values inversely proportional to their random selection such that it has an 'associated value... probability of selection' in order to relate the value of the prize to their probability of selection which permits larger value prizes to be won which increases player interest and participation in the [auxiliary] game. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'associated value... probability of selection' as so very well known in gaming and prize distribution to Forte's game and method in view of Adams in order to increase prize value and player excitement and participation in the game.

3. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forte et al. in view of either Adams or Place et al. as applied to claim 60 above, and further in view of either Baerlocher et al or Pickardt. Forte in view of either Adams or Place disclose the claimed

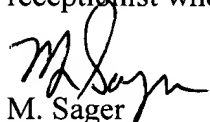
features/steps (supra) except 'at least one... prizes'. Baerlocher and Pickardt each disclose random prize determining means in form of a circular wheel of lights each teaching 'at least one.. prizes' as a means of selection or indication prize won. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'at least one... prizes' as taught by either Baerlocher or Pickardt to Forte's game and method in view of either Adams or Place as a means of selecting/indicating prize won.

Response to Arguments

4. Applicant's arguments with respect to claims 48-67 have been considered but are moot in view of the new ground(s) of rejection. Examiner failed 'catch' that Adams teaches a dealer interface control unit enabling player actuation of prize win determination device (8:25-31) in child application and therefore, inadvertently indicated subject matter as being patentable. Based upon, re-review of Adams and reconsideration of its teachings, this action presents determination that this feature would be obvious to an artisan to include Adam's teachings to Forte's game and method as noted herein.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Valencia Martin Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 305-3580. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



M. Sager
Primary Examiner
Mar. 18, 2000